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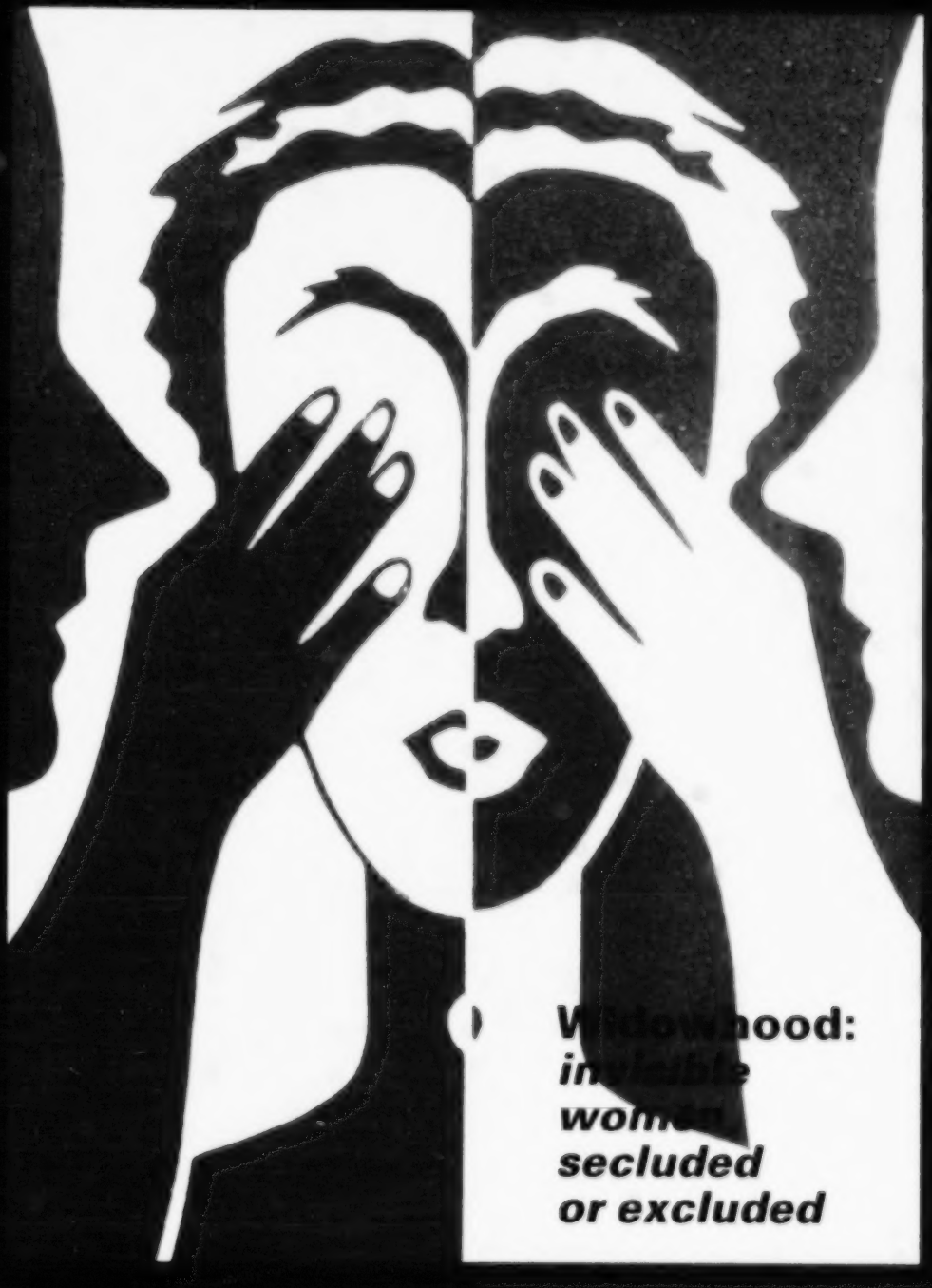

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or excluded

Widowhood: invisible women, secluded or excluded

"We are considered bad omens. We are excluded from all auspicious events."
(Lakshmi, Rajasthan, India, Aparajita Newsletter 1995)

"I am accused of being a witch who killed her husband."
(Terezinha, Zambezia Province, Mozambique, 1997)

"We have no shelter, my children can no longer go to school."
(Ishrat, Bangladesh, 1995)

"We are treated like animals just because we are widows."
(Angela, Nigeria, 1999)

"I and my children were kicked out of the house and beaten by the brothers-in-law."
(Seodhi, Malawi, 1994)

"As soon as my husband had died, they took everything away, even the pots, blanket and sacks of maize."
(Renana, Gujarat, India, 1995)

"My husband died of AIDS and slept with many women; I am now dying, but his family blames me for his death."
(Isabel, Kenya, 1996)

1. INTRODUCTION

It can be said that there is no group more affected by the sin of omission than widows. They are painfully absent from the statistics of many developing countries, and they are rarely mentioned in the multitude of reports on women's poverty, development, health or human rights published in the last twenty-five years. Growing evidence of their vulnerability, both socio-economic and psychological (evident from the quotes cited above), now challenges many conventional views and assumptions about this "invisible" group of women.

This issue of ***women***2000 is an overview of an aspect of women's lives which receives varying treatment within different regions and countries. Whereas for developed countries substantial statistical information exists on the ages and numbers of widows, the data available on the subject of widowhood for developing countries are extremely limited.[1] This report focuses on widows in developing countries rather than in developed countries since, according to available information, it is in these regions that there has been the most neglect and where the need for action to eliminate discrimination is most urgent.

In many developing countries the exact numbers of widows, their ages and other social and economic aspects of their lives are unknown. Almost worldwide, widows comprise a significant proportion of all women, ranging from 7 per cent to 16 per cent of all adult women. However, in some countries and regions the proportion is far higher. In developed countries, widowhood is experienced primarily by elderly women, while in developing countries it also affects younger women, many of whom are still rearing children. In some regions, girls become widows before reaching adulthood.

Although social rules differ greatly, all cultures have rules which govern women's lives. Across a wide range of cultures, widows are subject to patriarchal customary and religious laws and confront discrimination in inheritance rights. Many of these widows suffer abuse and exploitation at the hands of family members, often in the context of property disputes. Few cases proceed successfully through the justice system, perpetrators go unpunished, while oth-

ers remain undeterred and undetected. Even in countries where legal protection is more inclusive, widows suffer from the loss of social status and marginalization.

Neglected by social policy researchers, international human rights activists and the women's movement, and consequently by Governments and the international community, the legal, social, cultural and economic status of the world's widows now requires urgent attention at all levels of society, given the extent and severity of the discrimination they experience. This urgency is increased by the fact that, in all countries, North and South, widows far outnumber widowers, due to longer life expectancy and the frequent age disparity between partners. Therefore, the ageing trend of the population globally implies that the majority of the elderly in all countries will be made up of females, many of them widows requiring support.[2]

Widowers, even when elderly, are far more likely to remarry, but this is not the case for widows who, if they do remarry, rarely do so of their own free will. In some communities, widows may be forced into new conjugal relations with a male relative or be forbidden to remarry, even if they wish to do so. As a result, many women may spend a long period of their lives in widowhood, with all its associated disadvantages and stigmas.

Today, millions of the world's widows, of all ages, endure extreme poverty, ostracism, violence, homelessness, ill health and discrimination in law and custom. A lack of inheritance and land rights, widow abuse and the practice of degrading, and life-threatening mourning and burial rites are prime examples of human rights violations that are justified by "reliance on culture" and "tradition".[3]

Widows are usually, but erroneously, assumed to be elderly. However, many widows in developing countries, in areas of conflict or in communities ravaged by HIV/AIDS are young or middle-aged. Widows, of all ages, are often evicted from their homes, stigmatized and physically abused—some even killed. Widowed mothers, as sole supporters of their offspring, are forced to withdraw these children from school and to rely on their labour. The daughters of widows may suffer multiple deprivations, increasing their vulnerability to abuse. The extreme plight of child widows in Asia and Africa has yet to be researched and addressed by agencies and non-governmental organizations (NGOs) committed to safeguarding the rights of the child.[4]

While the problems are worse in the developing world, recent conflicts elsewhere have created a new class of widows—the product of armed conflict and ethnic cleansing.[5] The disintegration of social security systems and the dismantling of the welfare state in Eastern Europe have produced a further sub-class of impoverished older widows.

This issue of ***women***2000 describes the situation of widows across the globe, particularly in parts of the developing world where the problem is more acute. Some suggestions are also provided on what can be done to protect women and publicize one of the most hidden and veiled areas of violation of women's human rights. However, before doing so, this article will review the existing knowledge gap on the situation of widows, in an effort to identify where research is most needed to guide informed action.

Older women are far more likely than older men to be widowed

Percentage of those aged 60 + who are widowed, 1985-1997

	Women	Men
Africa		
Northern Africa	59	8
Sub-Saharan Africa	44	7
Latin America and the Caribbean		
Caribbean	34	12
Central America	36	12
South America	37	13
Asia		
Eastern Asia	49	14
South-eastern Asia	49	14
Southern Asia	51	11
Central Asia	58	13
Western Asia	48	8
Oceania	44	15
Developed regions		
Eastern Europe	48	14
Western Europe	40	12
Other developed regions	39	11

Source: *The World's Women 2000: Trends and Statistics* (United Nations publication, Sales No. E.00.XVII.14).

II. THE KNOWLEDGE GAP

Although widows make up a significant proportion of the female population in all societies, with a few laudable exceptions comprehensive research concerning their status in developing countries is lacking.[6] Research on the elderly—the majority of whom are widowed women—has been undertaken by NGOs such as HelpAge International Studies, and poverty-alleviation programmes have been directed at female-headed households.[7] Such work, however, ignores younger widows and widows who do not head households. Even the number of widows as a percentage of the female population is often unknown. In addition, there is a lamentable dearth of knowledge and reliable data on widowhood in the context of armed conflict and the HIV/AIDS pandemic. It has become apparent that adequate quantitative and qualitative information is needed to inform and guide policy makers and planners. Data are more available for the industrialized or more developed countries than for the developing or least developed states.[8] A lack of reliable hard data is one of the biggest obstacles to influencing policies and programmes that address the situation of widows.[9]

Methodologies utilized for gathering census data in many developing countries are often not designed to identify the inequalities inherent in widowhood, or to reveal the unpaid economic contribution widows o ages make to society. Widows in fact be excluded from national suses because they are homeles constantly moving among a num of different households headed relatives. Moreover, the pov experienced by individual wid residing within households is o hidden, since poverty surveys ten obscure the inequitable distribu of cash, land and other crit resources within a family between households.

The women's movement has l been fighting to remove "marital tus" from identification cards official documentation, on grounds that such information make women easy targets for crimination. However, it can argued that if data are not disag gated by marital status as well a sex and age. Governments are t without the vital information nee to develop effective policies to g antee women of different status ticularly widows, their human ri to access basic services resources. However, the use which such data are put needs t carefully determined.

This gap in knowledge about s facts as numbers, ages, co strategies and the basic needs widows can be illustrated by re ence to widowhood in armed flict, and in the context of HIV/A Women bereaved through war ethnic cleansing, in countries Angola, Bosnia and Herzegov the Congo, Indonesia, Kos Mozambique, Rwanda and S Leone, have never been offi counted. Estimates vary widel Rwanda, it has been suggested as many as 70 per cent of all chil are dependent on widowed mot In Mozambique, around 60 per of adult women are widows Bosnia and Herzegovina, none o international humanitarian age have identified the numbers widows. According to local Kos NGOs, a high percentage of

Widowhood at younger ages is not uncommon for women in some regions

Percentage of those aged 45-59 who are widowed, 1985-1997

	Women	Men
Africa		
Northern Africa	19	1
Sub-Saharan Africa	16	2
Latin America and the Caribbean		
Caribbean	8	2
Central America	10	2
South America	10	3
Asia		
Eastern Asia	9	2
South-eastern Asia	16	2
Southern Asia	17	5
Central Asia	16	3
Western Asia	13	1
Oceania	13	3
Developed regions		
Eastern Europe	12	3
Western Europe	7	1
Other developed regions	5	1

Source: *The World's Women 2000: Trends and Statistics* (United Nations publication, Sales No. E.00.XVII.14).

women are now widows, or do not know whether their missing husbands are dead or alive. These women continue to be under-represented in the process of peace-building and democratization.

So far, the richest source of information comes from the widows themselves, and a wealth of narrative and anecdotal material exists within many traditional communities, gathered through the initiatives of small grass-roots groups of widows or through the efforts of dedicated individual researchers. In Ghana, India, Kosovo, Nigeria, Rwanda and Sri Lanka, groups of widows are organizing and undertaking their own surveys, conducting research and identifying needs.

The data and information gathered in this way have been presented in a number of forums: during the United Nations General Assembly special session, "Women 2000: Gender equality, development and peace for the twenty-first century"—also known as Beijing+5 (New York, 5 to 9 June 2000)—the United Nations Development Fund for Women (UNIFEM) organized a panel on widowhood to provide an opportunity for the voices of widows to be heard. The World Bank has acknowledged the need to listen to widows in its publication *Voices of the Poor*.[9] In addition, an international NGO, Empowering Widows in Development, supported by the Swedish and United Kingdom Governments, provided widows of the South with a platform to express themselves at the Widows without Rights Conference, held in London (6-7 February 2001). However, these initiatives need further support from Governments and intergovernmental bodies in order to put the issue of widowhood on the public agenda of the new millennium.

III. PROFILE OF WIDOWHOOD

Widows across the globe share two common experiences: a loss of social status and reduced economic circumstances. Even in developed countries the older generation of widows, those now over 60, may suffer a dramatic but subtle change in their social position. The monetary value of widows' pensions is a continuing source of grievance, since the value often does not keep up with fluctuations in the ever-changing cost-of-living indices, or with expectations that the older generation may have had of what life would be like in retirement. The relative poverty of older widows and young widowed mothers and their children, due to the dismantling of welfare systems in the North and in Eastern Europe, while not comparable to the pauperization of widows in Asia and Africa, marginalizes them from mainstream society and

Widowhood common among older women but not among older men

Most women and men marry and live as partners for at least part of their adult lives. However, higher mortality rates for men leave many women living alone in their later years, especially since most widowed women do not remarry. In contrast, older men generally live with a spouse.

Widowhood for women aged 60 or over is most prevalent in Northern Africa and Central Asia—59 and 58 per cent, respectively. The prevalence is high in Northern Africa, probably because women tend to marry older men and because remarriage after the death of a spouse is less common than in other regions. In the countries of Central Asia, the high proportion of widowed women is largely due to high levels of male mortality. In all other parts of Asia, around half the women aged 60 or over are widowed, probably because young women tend to marry older men.

Older women in Latin America and the Caribbean have the lowest prevalence of widowhood—about 36 per cent of women aged 60 or over, on average. This is thought to be due, at least in part, to women who, in informal unions, refer to themselves as "single" rather than as "widowed" at the loss of a partner.

Widowhood among women aged 45 to 59 is relatively rare in Western Europe and the developed regions outside Europe (5 and 7 per cent, respectively). In contrast, in Africa and Southern, South-eastern and Central Asia, on average, between 16 and 19 per cent of women in this age group are widows.

The proportions widowed among older men are generally low and always much lower than among older women. The prevalence of widowhood for men aged 60 or over ranges from an average of 7 per cent in sub-Saharan Africa to roughly 14 per cent in Eastern Europe and parts of Asia.

Widowhood among middle-aged men is uncommon. Overall, percentages of 45- to 59-year-old men who are widowed range from 1 to 5, with the highest in Southern Asia. Low rates of widowhood among men are probably due to a combination of factors: they tend to marry younger women; they generally have higher mortality than women; and they are likely to remarry if they are widowed.

Source: *The World's Women 2000: Trends and Statistics* (United Nations publication, Sales No. E.00.XVII.14, pp. 29-30).

increases their vulnerability to depression, ill health and violence. However, it must not be forgotten that many widows are enormously resourceful and resilient and go on to manage successful creative lives, both personally and professionally."

4. GLOBAL OVERVIEW

South Asia

India has the largest recorded number of widows in the world—33 million (10 per cent of the female population, compared to only 3 per cent of men), and the number is growing because of HIV/AIDS and civil conflicts. "Fifty-four per cent of women aged 60 and over are widows, as are 12 per cent of women aged 35-39. Remarriage is the exception rather than the rule, only about 10 per cent of widows marry again."[12] India is perhaps the only country where widowhood, in addition to being a personal status, exists as a social institution. Widows' deprivation and stigmatization are exacerbated by ritual and religious symbolism. Indian society, like all patriarchal societies, confers social status on a woman through a man; hence, in the absence of a man, she herself becomes a non-entity and suffers a social death. *Sati* (widow burning) is the ultimate manifestation of this belief. Widow remarriage may be forbidden in the higher castes, and remarriage, where permitted, may be restricted to a family member. Further, a widow, upon remarriage, may be required to relinquish custody of her children as well as any property rights she may have. If she keeps her children with her, she may fear they will be ill-treated in a second marriage. Indian widows are often regarded as "evil eyes", the purveyors of ill fortune and unwanted burdens on poor families. Words in the vernacular are crudely pejorative: "witch", "*dakan*" and "whore" (similar verbal abuse is common in Bangladesh as well as in some countries in Africa). Thousands of widows are disowned by their relatives and thrown out of their homes in the context of land and inheritance disputes. Their options, given a lack of education and training, are mostly limited to becoming exploited, unregulated, domestic labourers (often as house slaves within the husband's family) or turning to begging or prostitution.

The sexual and economic exploitation of widows, abandoned by their families to the temple sites such as Mathura, Varanasi and Tirupati, has been sensationally documented in the media. Thousands of India's widows live in abject poverty and degradation in these centres. In Vrindavan alone, an estimated 20,000 widows struggle to survive. Younger widows are forced into prostitution, and older ones are left to beg and chant for alms from pilgrims and tourists. Older widows may have lived the greater part of their lives in these temples, having been brought there as child widows many years before.

The ordeals of the temple widows and the occasional *sati* are publicized in the international press. But the day-to-day suffering of Indian widows, who are emotionally, physically and sexually abused by relatives, who or migrate to cities to live on the streets and beg, remains largely hidden.

In spite of the 1956 Hindu Succession Act, widows' lives are still mainly determined by reliance on local customary law, which does not permit them to inherit. Only six states in India have made amendments in their respective laws to recognize coparcenary (joint ownership) rights of women. Legislation criminalizing child marriage, *sati* and violence against women has not succeeded in eliminating such traditions, which persist in villages of some Indian states. Lack of legal literacy, threats of violence and the insensitivity of the legal profession to women's issues bar widows from seeking justice. As in other regions of the world, bitter disputes occur between widows and brothers-in-law and sons and daughters-in-law over inheritance, residence and support, often resulting in physical and mental violence, including sexual abuse. Restrictions on residence, dress, diet and social intercourse force a widow to a life in the shadows affecting both her physical and mental health. Cruel mourning rites may confine the widow within a designated residence for many months or years.

However, two factors distinguish India's treatment of its widows from that of other developing countries. First, a number of states have set up widows' pension schemes, and it should be noted that although the criteria and complex bureaucratic arrangements for distribution open the way for delay and corruption, the principle of social security for the destitute has been established and can be improved. Indeed, the debate for reform is active and the Government is committed to reviewing present policies.

Secondly, India is home to a vibrant and dedicated women's movement, which is fighting intensely for the protection and empowerment of all women, and offers special programmes for widows. The Guild of Service and the Women's Joint Action Programme have held national seminars on social action for widows. In 1994, a national conference of widows, held in Bangalore, was a major event in promoting awareness of the need for social action. It drew participants from a wide range of disciplines and organizations. In addition, 47 widows representing 14 different states were present. Some of these women had never left their homes before, but were able to tell their ordeals and to provide a unique and enriching grass-roots contribution to the proceedings. As a result of this conference, a new consortium of widows' organizations was established and is now active, collecting testimonies, data and making policy recommendations.[13] Such recommendations include the introduction of stronger legislation on inheritan

rights, automatic transfer of property to a widow upon her husband's death; the registration of land both in the husband's and wife's names; preference given to widows in land distribution schemes; compulsory registration of marriages; revision of pension systems in both value and administration; and positive actions and incentive schemes to keep the children of widows in school.

In Bangladesh, the Muslim widow is, in theory, better off than the Indian Hindu widow. The *Koran* encourages remarriage and a widow cannot be disinherited. Under sharia, a woman is entitled to one eighth of her husband's estate, and half her male siblings' share of the parent's estate. In practice, however, many Bangladeshi widows, especially those who are illiterate and live in rural areas, are subject to oppressive patriarchal traditions. Widows are the poorest and most vulnerable group since they are often deprived of their rightful inheritance. According to a recent report, many rural widows receive nothing from their in-laws and are often victims of violence, evicted from their homes and robbed of their household possessions.[15] A 1995 survey on property inheritance in Bangladesh revealed that only 25 per cent of the widows sampled had received their rightful share from either of their parents, and only 32 per cent from their husbands.[16] The common story is of corruption, exploitation and violence at the hands of the husband's relatives. In return for shelter, many Bangladeshi widows are forced to work long hours as unpaid domestic servants in a relative's house. Others may be brutally forced out into homelessness and thus are statistically uncounted.

Because arranged child marriages still occur in rural areas in Bangladesh, and age differences between spouses can be great, child widowhood is not uncommon. Polygamy enables second wives to be brought into a marriage when the first is considered too old for sex or childbearing. Daughters of poor widows represent an economic liability and are most likely to be given away in such arrangements. They commonly encounter problems with the new family and the adult sons. Before long, they may find themselves child widows in a hostile setting, encountering abuse or eviction. Illiterate, young and vulnerable, they may be passed on to a series of older, frail or disabled men, thus enduring serial widowhood.

Bangladesh, like Nepal, is allegedly a major centre for trafficking young girls to the brothels of India.[17] Widows' daughters who are without male protectors and not enrolled in school are especially at risk to this trade. The numbers of young Bangladeshi girls disappearing in this way is purportedly reaching astronomical proportions. Anecdotal material points to a linkage between widowhood and child prostitution.

Poor, homeless Bangladeshi widows make up a sizeable percentage of women marketed as domestic servants, forced to leave their children behind in the hope that the meagre income which they send home will be used to feed, clothe and educate them. Women's NGOs in Bangladesh are actively addressing such practices as acid-throwing and violence in the context of marriage, but widow abuse, widespread as it is, has received less attention. In addition, widows have not yet "banded together" to form their own self-help or lobbying groups. Recently the Government agreed that destitute widows should be eligible for pensions, but so far amounts are inadequate to secure basic necessities.[18]

In Pakistan, destitute widows are reported to be supported by a small pension or *zakat*.[19] But, as in India, the allocation system is often corrupt, and the most needy widows are frequently neglected. Furthermore, the Honour Codes oppress all women, with a blanket of silence hiding the cruelty; and sometimes imprisonment, or even death, is inflicted on young widows who are suspected of bringing dishonour to the family.[20] Muslim widows, like those in Bangladesh, are also often deprived of their rightful inheritance by a male relative.

In Sri Lanka, war widows from both sides of the conflict experience poverty and marginalization. The Small Fishermen's Federation lobbies for the rights of wives of fishermen drowned at sea, and through its advocacy work has been creating awareness among other sections of society of the plight of widows.

In Afghanistan, it is estimated that approximately 40,000 widows live in Kabul, most of whom lost their husbands in the war that killed an estimated 50,000 civilians.[21] In January 2001, the United Nations estimated that about 2 million war widows live in Afghanistan, who are the sole providers for their families.[22] The Taliban, who in 2000 were estimated to control 95 per cent of the country, espouse a fundamentalist interpretation of Islamic Law that forbids women to work outside the home or to leave their houses unaccompanied by a male relative. Girls cannot go to school, and those who infringe the strict codes concerning dress and behaviour are severely punished.

Under the Taliban, widows have been doubly victimized.[23] Denied paid employment, these widows further lost access to international food aid, since it was decreed by the Taliban that such aid had to be collected by a male relative, which these widows do not have. The Taliban ban on women working outside the home has drastically increased the numbers of widows and children begging in the streets. Widowed mothers' children suffer malnutrition, ill health and depression, which in many cases leads to suicide. The situation is continually raised at United Nations meetings, and the Economic and Social Council passed resolution 2000/9 on the situation of women and girls at its 2000 session in New York. "The majority of these widows

are unemployed, unskilled and live well below poverty levels. In 1999, the Taliban authorities issued an edict allowing needy widows with no other means of support to seek employment in the health and social service sectors. However, the opportunities in these sectors are extremely limited and many recent reports have noted an increase in impoverished women who are reduced to begging to help them survive. The plight of widows who cannot support themselves because they are not permitted to work or benefit from humanitarian assistance is cause for particularly deep concern within the assistance community."[24]

South-East Asia

This is a region where decades of armed conflict have caused a huge explosion of widowhood for women of all ages. Cambodia, East Timor, Indonesia and Viet Nam are home to war widows in every generation.

In East Timor, for example, human rights groups estimate that, since the invasion in 1975, one third of East Timor's population has been killed, disappeared or died of war-induced famine. In many cases, widows were internally displaced, seeking refuge in the hills, or moved at gunpoint to camps in West Timor, becoming victims of rape. They have often been reluctant to speak out, fearing retaliation or ostracism by their communities and families. As a result, many cases of sexual violence have gone unreported.

The situation of war widows in Cambodia reveals similar atrocities and marginalization. Because of the significant number of casualties from armed conflict within the male population, some 35 per cent of rural households are headed by women, often widows. Many young widows are forced through poverty to become sex workers. Existing policies and programmes that help to combat the spread of HIV/AIDS and assist these widows not only are inadequate but also fail to protect their human rights.

In Myanmar, there are huge numbers of widows who are struggling to bring up their children and to care for sick and disabled victims of the conflict. Malnutrition among widows is widespread and they are particularly vulnerable to violence, particularly the sexual harassment by soldiers. The phenomenon of trafficking, common to many developing countries, is worsened by the economic crisis in Myanmar and the halt of international aid. A thriving sex industry, both in the country and across the border in Thailand, presents many widows with their only option for employment. The pressure on widows to provide for their children and the dearth of alternative employment opportunities override Burmese widows' strongly socialized tendency to protect themselves from extramarital relationships. What is worse is that some destitute widows are forced to sell their daughters to trafficking agencies for money.[25]

Africa

African widows, irrespective of ethnic groups, are among the most vulnerable and destitute women in the region. Common to both francophone and anglophone countries in the region is the concept that death does not end a marriage. While the widow may have no rights to ownership of her husband's property, she is usually expected to fulfil obligations towards her deceased husband through her participation in traditional practices. In return she would be allowed to remain in her home and to have rights to cultivate land.

In the past, this pattern of reciprocal duties and obligations in an extended family protected the widow and her children. Today, the custom is more likely to be used to oppress and exploit them. The low status, poverty and violence experienced by widows stem from discrimination in inheritance custom, the patriarchal nature of society, and the domination of oppressive traditional practices and customary codes, which take precedence over constitutional guarantees of equality, modern laws and international women's human rights standards.[26]

Debt in the developing world, structural adjustment policies, land shortage, natural disasters, the HIV/AIDS pandemic and armed conflict have had a multiplier effect on all poor people in the region, but especially on widows and children. A widow's husband's brothers can be covetous and unscrupulous. "Chasing off" and "property-grabbing" are common features of widowhood everywhere in this region, and even newly reformed laws have been ineffective in protecting the victims. Widow abuse is visible across ethnic groups, income, class and education. Legislative reform in compliance with international treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, has largely failed to take precedence over local interpretations of customary law. Widowhood may deprive women of their home, agricultural land, assets and even their children. The poverty of widowhood causes children, especially girls, to be withdrawn from school. In some ethnic groups, degrading rituals such as ritual cleansing by sex, widow inheritance, the practice of levirate[27] and accusations of witchcraft support institutionalized widow abuse of the gravest nature. This type of gender-related violence, unlike female genital mutilation and so-called "honour killings", has yet to reach the agenda of international women's human rights activities.[28]

In many countries, widows' coping strategies involve exploitative informal sector work, putting children into child labour, begging and, ultimately, sex work. On the other hand, many widows have shown remark-

able determination and courage in the face of tragedy and, either individually or in cooperation with other widows, have become self-supporting and entrepreneurial, running small businesses, farming, and supporting their children and mother dependants. The strength of widows' groups in Uganda (such as The Aids Support Organisation (TASO) and Philly Lutaaya) is a model of what can be achieved when widows organize themselves.

Widows' groups in Ghana, Kenya, Nigeria and Swaziland are heightening awareness of the issues and providing training in income-generation, health care and shelter for destitute widows and their families. More of these groups need to be encouraged to develop so that widows are not just seen in terms of recipients of welfare relief but as women whose contribution to the economy and potential role in society should be properly acknowledged.

In Africa, armed conflict and HIV/AIDS have brought widowhood prematurely to millions of women. A wave of genocide created 500,000 widows in Rwanda.[29] Sixty per cent of adult women were widowed by the wars in Angola and Mozambique. After the genocide, many widows became victims of their husbands' male relatives who, rather than protect and support them, denied them any access to their husbands' land or property. The NGO called the Association of Widows of the Genocide of April 1994 (AVEGA) reports that six years after the mass raping of war widows by HIV-infected assailants, at least two of its members die from AIDS each week.[30]

Similar NGO reports on war widowhood come from Angola, the Congo, Mozambique, Nigeria, Somalia and northern Uganda. The linkages between widowhood, inheritance law, land ownership, armed conflict, HIV/AIDS and poverty are vividly illustrated in this region.[31]

Inheritance has been the subject of law reform in many countries of anglophone Africa. Ghana, Malawi, Nigeria, Zambia and Zimbabwe are among those Governments that have legislated for equality in inheritance rights in compliance with their obligations under the Beijing Platform for Action and human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. However, it is clear that at the local level discriminatory customary rules on inheritance still apply, whatever constitutional guarantees or modern laws exist. In rare cases where courageous women have defied threats of violence and taken their cases to court, some independent and creative judges have decreed that international law as laid down under the Convention on the Elimination of All Forms of Discrimination against Women takes precedence over custom and religion.

In many non-codified legal systems, the law of inheritance, tenure and transfer of land which is customary in origin is amenable to development through the courts. For example, in 1990, the High Court of the United Republic of Tanzania, in the leading case of Ephrahim v Pastory, took account of international human rights treaties, including article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, and held that the customary prohibition on women selling clan land was discriminatory.[32] Here the judiciary played a leading role in the elimination of stereotypical thinking about women. Although the case involved a challenge against a woman's right to dispose of land rather than to inherit land, the Court ruled, citing the Tanzanian Bill of Rights and human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, that in all incidents of land ownership the rights of women should be equal to those of men.

But in other cases, notably Zimbabwe's Supreme Court's ruling in 1999, less independent and more

Widowhood practices in Nigeria

In Nigeria, family law permits certain widowhood practices which discriminate against women, particularly women married according to customary rather than statutory law. Some of the negative practices derive from the belief that "the beauty of a woman is her husband". At his death, she is seen as unclean and impure, and the customs she must observe in the weeks following her husband's death can undermine health. If she has no male adult children, she may be ejected from her husband's house as both it and his land will have been inherited by his oldest brother. In most cases, the husband's kin do not provide the widow with any economic support, particularly if she will not accept the status of being an additional wife to one of her husband's brothers.

In a study in Imo State, Nigeria, interviews and discussions were held with traditional rulers, leaders of women's organizations and widows. Five factors that have an impact on the health and economic status of widows were identified: a long period of incarceration during mourning; an obligatory poor standard of hygiene; deprivation of the husband's property and maltreatment by his relatives; the enforcement of persistent wailing; and the practice of demanding that a widow sit in the same room with her husband's body until burial.

"Women, Ageing and Health", World Health Organization, 1998

traditional judges have ruled to the contrary and thus revoked women's enjoyment of these rights.[33] In Zambia, the major issue for widows is dispossession by the husband's relatives and the violence of mourning rites. Evidence of violence against widows leading to their insecurity, ill health and death abounds in all the inheritance research reports prepared by the organization Women and Law in Southern Africa.[34]

In the United Republic of Tanzania, widows of all ages suffer extreme violence due to lack of inheritance rights under customary law.[35] A HelpAge International research study in 1999 found that every year some 500 older women, mostly widows, are killed because of accusations of being witches. Of great concern, especially in the context of communicable diseases, are the harmful, degrading and life-threatening traditional practices as part of burial rites. For example, in a number of countries, widows are forced to drink the water that their husbands' corpses have been washed in. Ghana is one of the few countries that has enacted specific legislation in this area. There is little awareness of this ambiguously drafted 1989 amendment to the Penal Code, and it has never been enforced.[36] Research into the nature and effect of widows' mourning rites has been scant, although the practice violates many basic principles contained in all key international human rights conventions. One of Nigeria's widow NGOs, Widows Development Organization, has undertaken a survey of traditional mourning practices among its members. However, taboos on discussing such intimate topics have allowed for little research on this aspect of widow abuse in Africa. This contrasts with the abundance of research, done in East and Southern Africa, into widows' rights to inheritance and land use.

Latin America and the Caribbean

Unlike the situation in Africa and Asia, widows in Latin America and the Caribbean are not subject to contradictory plural legal systems. It is rather the machismo, or male chauvinism, that has kept many women in subordinate roles and discriminated against, especially in education and employment opportunities. Women's low status throughout their lives is reflected in the poverty and isolation of widowhood when they become old, and the family has migrated and split up. If widows are poor, it is because they have depended on their husbands as the main breadwinners, and their domestic or agricultural work in the family has not resulted in economic independence. According to the Pan American Health Organization, regional office for the Americas of the World Health Organization (WHO), widows in the region have generally not been the focus of special studies, except in the context of mid-life issues and ageing.[37] Because the average general population is young, the focus on women's rights has been geared more towards fertility, motherhood and reproductive health.

When widows' lives are examined, the reports uncover the relative poverty, loneliness and low esteem of elderly widows, whose social support systems have shrunk or become non-existent. Armed conflict and violence, seemingly endemic in some parts of Latin America and the Caribbean, have increased sharply the number of younger widows. In several countries, such as Chile and Guatemala, many women are wives of the "disappeared". For many years, these women do not know, and sometimes never learn, whether or not they are widows.[38] During *La Violencia* in Guatemala, as the military actions against the mostly Indian population were known, some 15,000 people, most of them men, were killed, leaving women vulnerable to the threat of rape and other forms of violence.

Widows in indigenous communities in Latin America experience a loss of cultural identity as their traditional way of life is destroyed and their family social support systems disintegrate. Research by HelpAge International suggests that older widows are recognized as playing a key role in both economic development and in social and family stability.[39] Policy makers agree that if the productive resources and caring roles of widows were suddenly withdrawn, the socio-economic effect would be devastating.

Research on elderly widows in Puerto Rico has drawn attention to the risk of assuming that the family cares for its elderly widows. It is argued that this often erroneous assumption can be used to justify not providing essential services which widows need. The research highlights the role of daughters as the main source of support for widowed mothers, but points to a gap in knowledge about the support systems used by widows who are childless or whose children cannot, or will not, support them.[40]

Widowhood can, for some—notably in Jamaica—prove to be a period of enriching economic independence and increased status. Female-headed households can be relatively well off, composed of younger generations of working men and women. An energetic entrepreneurial widow can gain respect as the main decision maker, a role which she may never have enjoyed in marriage. Matriarchal households can be strongly self-supporting. Even in old age, Jamaican widows' economic contribution to the family as household managers and carers of grandchildren and the sick helps to protect them from the negative attitudes directed towards older women in other parts of the world (although, dependent on social class, a similar pattern of attitudes and status operates in some other cultures). Loss of

this type of role, because the family has migrated or broken up, is often associated with the declining physical and mental health, isolation and poverty of older widows.

Central and Eastern Europe

Since the end of the first decade of the transition from centrally planned economies to market-oriented ones, many families and communities in Central and Eastern Europe are still in crisis. Unemployment, the breakdown of the social security systems, the rising cost of living, armed conflict and community violence have caused widespread stress on its people, especially on men, who seem less able to cope than women. They are more prone to alcoholism and suicidal depression than women, and their life expectancy has fallen since 1980, from 62 to 58, creating a dramatic increase in the numbers of widows.[47]

Pensions in Russia and other countries of the former Soviet republics went unpaid for years following the end of the cold war, when the Soviet Union was dissolved in 1991.[48] The link, in any case, between pensions and earnings was a disadvantage to women who were often in low-paid occupations. Many women lost their jobs as a result of economic restructuring, and future opportunities for employment were curtailed by the withdrawal of employment benefits, such as childcare and canteen meals. The economic and social circumstances of widows are of crisis proportions. Anecdotal evidence suggests that many of the "street children" in the major cities are the offspring of widowed mothers who can no longer afford to feed and clothe them. There are widespread reports of impoverished older widows who feel abandoned, but at the same time do not wish to be a burden on their children. A rising incidence of robbery, assault and rape against both young and old widows has been reported in Lithuania.

Many widows in Eastern European countries are ethnic Russians who migrated in the post-war years throughout the Soviet Union, and now, in their old age, are losing their rights to property, citizenship and thus basic assistance. In addition, soldiers' widows from the wars in Afghanistan and Chechnya live in poverty because pensions have not been paid.

Most Governments in the region express a commitment to the elderly, and widows make up a sizeable proportion of that group. But the issue of the needs of widows, of any age group, still remains a low priority on the policy agendas of these countries in transition. Widows have yet to organize themselves to be a united voice within women's NGOs.

B. PROBLEMS FACED BY WIDOWS

The state of widowhood is exacerbated by conditions of poverty, armed conflict, and a lack of access to services and resources. These major problems, as discussed below, are also among the critical areas of concern of the Beijing Platform for Action. However, widows get no special mention in the Platform.

Poverty

Widows make up a sizeable percentage of the world's poorest people. The World Bank report *Voices of the Poor* includes a special section on widows, with information extrapolated from its participatory poverty assessments in several countries. It begins with a definition of poverty: "Poverty is much more than income alone. For the poor, the good life or well-being is multidimensional, with both material and psychological dimensions. Well-being is peace of mind; it is good health; it is belonging to a community; it is safety; it is freedom of choice and action; it is a dependable livelihood and a steady source of income; it is food."[49]

Many widows in traditional societies have no rights, or very limited rights, to inheritance under customary and religious law. Nor can they inherit, on an equal basis with male siblings, from their father's estate. Across a wide spectrum of countries, religions and ethnic groups, upon the death of a husband a widow is often left destitute. The Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action[50] and the Outcome Document of the Beijing+5 special session,[51] all require Governments to design and enact legislation to remove gender inequality in inheritance. It is disappointing that new laws, where enacted, have been inadequately publicized and poorly enforced. In addition, there has been little political will to intervene in traditions and customs which abuse widows and pauperize them. Several countries have retained their reservations on those sections of the Convention on the Elimination of All Forms of Discrimination against Women (articles 5 and 16) relating to Personal Status Law.

Without inheritance rights, widows find themselves totally dependent on the charity of their husband's relatives. They have no rights to the property of their birth family. "Property-grabbing" and "chasing-off" are part of the common experience of widows whether animist, Christian, Hindu or Muslim—regardless of their ethnic group, caste or culture. The poverty of widows is further exacerbated by illiteracy, and a lack of education and training. In addition, rigid and long, drawn-out mourning and burial rites may restrict widows from working in the public sector for a long period of time. Widows' access to land, credit and income-generating opportunities are severely restricted. Furthermore, cultural taboos and negative stereotyping, as well as the burdens of childcare, may impede younger widows from participating in projects or working in the public domain. Fundamentalist

regimes may also prohibit widows from working in the public sector or in the fields, thereby increasing their poverty. The poorest widows are the old and frail, those with young children to shelter and feed, the internally displaced, refugees, and those who have been widowed due to armed conflict.

Targeting female heads of households, as a way of identifying female poverty, does not necessarily result in targeting widows. Not all female heads of households are the widowed or poor. Widows can be living in poverty in relatively affluent households due to an unfair distribution of resources within those households. Anecdotal evidence of the poverty of Indian and Bangladeshi widows who are exploited as unpaid domestic servants in relatives' households is common. Many of the world's widows are so impoverished that they have no recorded residence, and so remain missing and unaccounted for in national censuses and in household and demographic surveys.

Without land or other collateral, poor widows are unlikely to obtain credit. Without education or training, widows are unable to work their way out of poverty, particularly in traditional societies where restrictions on lifestyle prohibit them from working in the public sphere.

New conceptual and practical methodologies that would gather perspectives and information on widows' poverty must be developed and applied, and data must be disaggregated not only by gender and age but also by marital status, if the poverty experienced by widows and their families is to be reduced. The richness and validity of narrative and anecdotal material that often goes unpublished or undisseminated should be tapped and given equal weight by policy and programme makers, as well as by donors.

Widows' poverty is directly related to a lack of access to economic resources, including credit, land ownership and inheritance, a lack of access to education and support services, and their marginalization and exclusion from the decision-making process. In order for widows to conquer poverty and to acquire a better understanding of their human rights, they must have access to the legal process through legal literacy and legal aid, and through improved training of judiciaries, lawyers, police and community leaders.

Armed conflict

Attention, long overdue, has recently been given to the suffering of women from armed conflict. Civilian deaths far outnumber those of the military in the conflicts of recent years. In some countries such as Angola, Bosnia and Herzegovina, Kosovo, Mozambique and Somalia, due to the great numbers of men who have been killed, widows now make up more than half the population of all adult women. In several war-ravaged countries in the post-conflict years, more than 70 per cent of children depend on widowed mothers as their sole support.[46] Widowed grandmothers care for orphaned and sick grandchildren. Many widows have remained hidden in refugee camps, for there is no male relative to accompany them back to repair their homes. Often all of their informal support systems have vanished through death, disappearance or forced migration. Yet widows are primarily only seen as "victims" in need of emergency relief, rather than seen as women whose special responsibilities as the sole supporters and breadwinners of their families merit far greater attention.

The following represent important milestones on the road to protecting women victims of war in all its aspects: the 1993 Declaration on the Elimination of Violence against Women; the appointment in 1994 of a Special Rapporteur on violence against women; the establishments of the International Criminal Tribunal for the former Yugoslavia in May 1993 and the International Criminal Tribunal for Rwanda in November 1994; and the arrangements for the setting up of the International Criminal Court under the Rome Statute opened for signature and ratification in July 1998.

More recently, in March 2000, Ambassador Anwarul Choudhury of Bangladesh, President of the United Nations Security Council for that month, delivered a statement on women and the peace process on International Women's Day (8 March). On 24 October 2000, the United Nations Security Council convened an Open Debate on Women and Armed Conflict. Resolution 1325 (2000) was adopted by the Security Council on 31 October 2000, asking that women be incorporated into peace negotiations and given roles in peacekeeping missions around the world. This consensus represents a dramatic move forward from the perspective of women being seen exclusively as victims of war to that of acknowledging their right to play an equal role in citizenship, peace and democracy-building.

These developments have direct relevance for widows since they are, in such vast numbers, the tragic victims of war. Through these mechanisms, their voices can be heard and the injustices they experience both during and after conflict can be identified and addressed.

Widows must be specifically singled out and targeted if their basic long-term, as well as emergency, needs are to be met and their potential contribution to the future of their communities realized. They need training, employment, housing, protection from violence and, most of all, proper representation. In Kosovo, 18 months after the conflict, widows remain outcasts, whose basic needs are neglected, and are, with few exceptions, without any collective organizations to represent their views.[47] According to one small widows' group, even their emergency

needs are not met.[48] Widows, often isolated from the mainstream of society, have less time to be involved in women's NGOs, and these in turn have not given priority to widowhood issues in their work plans.

AVEGA, one of the most effective and successful war widows' groups in Rwanda, offers many services. In addition to AVEGA's creating support systems for older widows, training in income generation and offering trauma counselling, it has also taken on the need to address such issues as land ownership and discriminatory inheritance laws.

War leaves vast populations of widows in its wake. In Kosovo, some 10,000 men have died or disappeared; in Bosnia and Herzegovina, Indonesia, Rwanda and Sierra Leone, it is not known how many have been left widowed, nor do many women know if their partners are dead or alive. Across the world, hundreds of thousands of war widows struggle to make new lives for themselves and their children, in their own countries, in refugee camps or in countries of asylum elsewhere. Many of the bereaved have seen their husbands tortured, butchered or mutilated, often in the most brutal of circumstances. They themselves are victims of violence, rape and mutilation. Many of those who have been raped are infected with HIV/AIDS and are doomed to die.

Their traumatic experiences during conflict are often followed by further violence in the post-conflict period. Male relatives sometimes resent widows' rightful claims to return to their homes, land and to other property. War widows in Rwanda have had to fight to get access to the land that they formerly cultivated when their husbands were alive. Kosovar Albanian widows remain ignorant of their rights to homes and land in the villages they vacated during ethnic cleansing. Serb and Roma widows in Kosovo live in terror of violence, imprisoned in their homes. Widows who have been raped are often ostracized by family members. Many give birth in secret and in shame. Somali war widows, raped by bandits or border guards, have killed themselves or abandoned babies conceived through sexual violence.

Sexual violence committed during armed conflict is not a new phenomenon. The international community took some time to act and react to this issue. In the early 1990s, as a result of evidence revealing the commission of systematic sexual atrocities and rape camps that were set up during conflicts in the former Yugoslavia, the issue of sexual violence finally emerged as a serious agenda item for international consideration. Rape had been committed on a massive scale during previous conflicts, as in Bangladesh in 1971 and in Rwanda in 1994; but due to a highly publicized war in Europe and women's courage to testify about sexual violence in the context of these wars this international crime was brought to the forefront of the international agenda. The governing statutes of the International Criminal Tribunal for the former Yugoslavia, located at The Hague, and the International Criminal Tribunal for Rwanda, in Arusha, expressly refer to rape as constituting a war crime. The United Nations Commission on Human Rights and successive sessions of the United Nations Commission on the Status of Women have reaffirmed the international community's revulsion in regard to this practice.

In post-conflict periods, widows must be viewed as crucial stakeholders in the work to establish peace, justice and development. They need financial support to start businesses and to feed, clothe and educate their children. They have to pick up the threads of their lives in order to survive for the sake of their children and other dependants. Widows, who are survivors of political and personal disasters, remain uncounted, unidentified and least likely to have their voices heard. In November 1999, the International Committee of the Red Cross and the Australian Red Cross workshop on widowhood and armed conflict made a series of recommendations which have yet to be implemented by peacekeeping bodies, such as the Organization for Security and Co-operation in Europe.[49]

What is needed is the development, in consultation with the widows themselves, of programmes and projects that see them not just as the victims of war, requiring emergency relief, but as women with the potential, if given appropriate support, education and training, to participate fully in the peace-building and reconciliation processes.

Lack of education and training

Without literacy, education and training, widows can support neither themselves nor their families. Widows in post-conflict situations are desperately in need of appropriately designed and well-located educational and training programmes, enabling them to take on the role of breadwinner for the family. In Kosovo, for example, only 3 per cent of women worked outside of the home before the conflict.[50] Now every widow must be given the opportunity to work.

A common consequence of widowhood in traditional societies is the withdrawal of children from school. Girls are likely to be the first affected; they are needed to care for younger siblings while the widowed mother begs or works; or they must find work themselves. Girls who leave school too soon are more likely to become child brides and child mothers, potentially causing damage to their reproductive health and limiting their chances for economic autonomy. The World Education Forum held in Dakar, Senegal, in April 2000 did not identify widowhood as a root cause of the withdrawal of millions of children from school. This is an uncharted area, which needs to be tackled by the United Nations Children's Fund (UNICEF) and other agencies that are working to implement the Convention on the Rights of the Child.

Ill health

Poverty brings ill health; ill health brings poverty; poverty attracts violence.[51]

Section 93 of the Beijing Platform for Action describes some of the traditional discriminatory practices endangering the health of women and girls, including their reproductive health. But there is no reference anywhere to widow-abuse or such life-threatening and degrading practices as traditional mourning and burial rites. The right to the highest attainable standard of health is built into many human rights charters and conventions, including the Convention on the Elimination of All Forms of Discrimination against Women. However, widows, through poor nutrition, inadequate shelter, a lack of access to health care and a vulnerability to violence, are very likely to suffer not only physical ill health but stress and chronic depression as well. Widows' reproductive and sexual needs are often ignored, and the fact that widows may be sexually active and are often the victim of rape is overlooked.

In the context of HIV/AIDS, African widows are particularly vulnerable. They may not be informed of the cause of death of their partners, or may not find out until they too become ill. Mourning rites may involve sexual relations with male relatives. Widows might be forced into a levirate arrangement or a second marriage with an infected heir or brother-in-law. Sex work may be the only means of securing money or food for themselves and their families. A widow may have spent all the family's resources on health care for a dying husband and on the subsequent funeral, and, as a consequence, may have no savings left to pay for drugs should she herself contract the disease.

Violence

Widows of all ages are vulnerable to violence. However, in the Beijing Platform for Action, they are not mentioned in the list of groups of women particularly vulnerable to violence (paras. 116 and 126). Nor does the Platform make any mention of widow-abuse in its examples of gender-based abuse (para. 113).

Despite a lack of hard data, there is growing evidence from a number of countries that violence against older women is growing and is a major, though often hidden, problem. In Western, Eastern and Central Europe, elderly widows living alone are particularly at risk. Widows can be victims of emotional as well as physical abuse in their own homes and in institutions.[52]

In Africa and Asia, as described earlier, widows are often the victims of violence in the context of inheritance, land and property disputes. Widows have been killed so that their bride price or dowry could be retained. A Ghana widows' NGO reports that many widows commit suicide because of the beatings and rapes to which they are subjected.[53]

Witchcraft allegations are common in a number of countries in both Asia and Africa. An excessive number of deaths from HIV/AIDS have begun to be blamed on witchcraft. In polygamous marriages, the older widow may suffer violence at the hands of a younger co-widow's children.

In many groups in Africa and in some parts of Asia, traditional mourning and burial rites involving harmful and degrading treatment constitute gender-based violence, but Governments seem to be slow in recognizing this fact.[54] Degrading and painful "trials by ordeal" are forced on widows and, in countries where the concept of so-called "crimes of honour" exists, it is alleged that widows may be beaten, murdered or imprisoned on the flimsiest grounds while the male perpetrators remain immune from prosecution.

Widows are coerced into participating in these rites through their fear of losing status and protection, of being evicted from the family home, or having their children taken from them. Some rites can be life-threatening as well as degra
such as ritual cleansing through
when the husband has die
HIV/AIDS.[55]

The forcing of widows to have
with designated individuals in
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harmful mourning rites.

Suttee is perhaps the
extreme form of violence to be
widow. Although Indian legisl
has prohibited the practice of
Hindu widow immolating herse
her husband's funeral pyre, the
still occurs occasionally in the
developed states. In spite of pro
by the Indian women's mover
the perpetrators of this crime
never been prosecuted.

Language reflects attitudes
can encourage violent acts.
words in many vernacular langu
used to describe a widow are m
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Data disaggregated by marita
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help to reveal the incidence of wi
abuse. Even in developed coun
there is under-reporting of the
dence of violence experience
elderly widows living with relativ
living in residential-care homes.

Exclusion from the econon

Many factors impede widows
working for cash rewards—for e
ple the imposition of restrictive
extensive mourning customs,
as seclusion or dress codes. In K
Afghanistan, the Taliban prohi
on women working outside the h
has created extreme degree
poverty among the 500,000 wa
ows who are the sole supporte
their families.[56]

Legal and customary barrie
ownership of or access to land,

tal, credit, employment, housing, technology and other means of livelihood also reduce the ability of widows to become economically secure. The discrimination they have suffered throughout their lives in education and training impedes their efforts to generate income. Yet widows of all ages are working in the informal sector, mostly unpaid, as carers of children, the sick and the elderly, and try to find and prepare food for their families in any way they can.

IV. CONCLUSION: ROLE OF INTERNATIONAL LAW

The foregoing discussion has demonstrated how the vast diversity of each region by culture, religion, language, level of development and different historical processes is reflected in the way women are perceived by society at various stages of their lives. This section will look at how international human rights regimes can be applied to the various plights of widows.

The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child both identify a group of human rights that, if fully realized, should protect widows and their children from abuse, and also empower widows to be recognized and represented as full members of society. The Convention on the Rights of the Child obliges Governments to ensure that children enjoy rights to health, shelter, food, education and protection, and should provide scope for examining the impact of widowhood on all facets of children's lives.

Guarantees in other conventions, such as the 1966 International Covenant on Economic and Social Rights, the 1966 International Covenant on Civil and Political Rights, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the 1993 Declaration on the Elimination of Violence against Women, should be used as legal tools to ensure that widows' human rights are respected and upheld. All of the core United Nations human rights bodies are now committed to incorporating gender issues in their work. The United Nations High Commissioner for Human Rights has declared the determination of her office to address human rights violations suffered by widows within the family, as well as in the context of legislation.[97]

The coming into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in December 2000 could also greatly advance the cause of widows, as it provides valuable leverage to influence judiciaries to determine cases with reference to international law. The establishment of the International Criminal Tribunals for the former Yugoslavia and Rwanda and the acknowledgement that sexual violence and rape in war is a crime against humanity can in the future protect women victims of armed conflict, many of whom are widows. Also encouraging has been the adoption of the International Criminal Court under the Rome Statute. The setting up of this Court promises to be a key tool to end the barbaric and inhumane treatment of women in peace, as well as in war.

The appointment in 1994 of Ms. Radhika Coomaraswamy (Sri Lanka) as the Special Rapporteur on violence against women offers a valuable channel and resource to women's human rights NGOs, and her reports helped to create awareness of human rights violations that widows experience across the globe.

The Beijing Platform for Action, the Political Declaration[98] and the Outcome Document could perhaps have gone further by expressly referring to widows in their sections on poverty, health, violence, the girl child and armed conflict. So-called "honour crimes", forced marriage and marital rape are addressed for the first time in the latter international consensus document,[99] but the opportunity to make a specific reference to widow abuse and the violence of some traditional mourning rituals was unfortunately missed. United Nations Security Council resolution 1325 (2000) on women's key role in the peace-building processes taking place in post-conflict situations could have included language stating that special efforts should be made to ensure that the voices of widows be heard in the restructuring and democratization of countries that are emerging from conflict.

However, while all of the above developments could have positive implications for widows and their children, immense obstacles still remain in order to make these instruments relevant to the realities of women's lives. First, widows, in common with many women, are very often unaware of their rights, and encounter insuperable barriers to accessing justice systems, such as illiteracy, cost, threats of violence

> *"All human rights programmes with a gender component will automatically include an assessment of the situation of widows and their access to economic and social rights. My Office is aware of the need for legal redress for rights violated during conflict situations, for the imperative for women to have access to land, property and health insurance. . . . Aid to women victims of genocide is a high propriety, since they are often responsible for the whole household. Programmes for their empowerment are necessary if rehabilitation is to be achieved in the affected area."*
>
> Mary Robinson
> United Nations High Commissioner
> for Human Rights, October 1999

from family members, and the ignorance and bias of lawyers and the judiciary. Furthermore, not all judges concede that modern law should take precedence over custom. International women's human rights law effectively excludes many actions that occur at the hands of non-State actors and take place in the private sphere of the family. This is precisely where numerous violations of widows' rights occur—in their own families and in the community. Although as of May 2001, 168 States have ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women, not all have incorporated it into their domestic legislation. In addition, many States parties have entered reservations on articles concerning personal status law, inheritance and land rights—issues which most affect widows.[80]

Much work needs to be undertaken in the area of women's human rights law training for judges, magistrates, lawyers, and religious and traditional leaders. Widows need to organize and to take collective action in order to enjoy the rights that international law accords them.

United Nations summit meetings are influential in advancing the cause of vulnerable groups, but often ignore the impact of widowhood on human rights enjoyment. The United Nations World Education Forum held in Dakar, Senegal (26-28 April 2000), did not identify widowhood as one of the major reasons for children, especially girls, being withdrawn from school. Had this issue been raised, it would have promoted greater awareness among child-focused agencies, such as UNICEF, to become involved in this area. UNICEF addresses, along with education and awareness programmes, the problems of child marriage; however, it has yet to examine the situation and predicaments of child widows in Asia and Africa. WHO has only focused on elderly widows in its programmes on ageing. The unit concerned with violence against women has yet to come to grips with the hidden abuse of widows.

> *"We must be courageous in speaking out on issues that concern us. We must not bend under the weight of spurious arguments invoking culture or traditional values. . . . No value worth the name supports the oppression of women."*
>
> Nafis Sadik
> Former Executive Director
> United Nations Fund for Population Activities
> September 1995

The United Nations Population Fund (UNFPA) has shown enthusiasm for initiatives to tackle the reproductive and sexual health problems of widows, particularly in the context of violence and mourning rites; but funding so far has not been identified for research or programmes. The report of the Thirteenth International AIDS Conference held in Durban in July 2000 scarcely mentioned the extreme vulnerability and discrimination experienced by widows and their daughters in the context of the HIV/AIDS pandemic. Other key international events and documents often miss the opportunity to identify and enhance the crucial role which widows could play in alleviating poverty and promoting development, good governance and peace. For example, the OECD Development Assistance Committee Key Targets omit to mention monitoring measures that would help to secure inheritance rights for widows.

In the past few decades, the Office of the United Nations High Commissioner for Refugees (UNHCR) has developed many creative programmes for refugee women, many of whom are widows. But so far, they have not tried to meet the special needs of widows as a separate group, whether internally displaced, in refugee camps or as asylum seekers. The 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees have often been approached and interpreted through a framework of male experiences. Yet widows who must flee from persecution due to their personal status, such as forced remarriage, have a human right to protection under international law.[81]

There are, however, signs of hope that the issue of widowhood may finally be beginning to surface in the international debates on human rights and gender justice. As mentioned earlier, UNIFEM convened a panel discussion on Widowhood at the Beijing+5 special session. In response to the report of the United Kingdom House of Commons Select Committee on Women and Development,[82] the United Kingdom's Department for International Development singled out widows' inheritance rights as a priority issue in their poverty eradication programmes.[83] The NGO Empowering Widows in Development was invited to make a presentation on 19 June 2000 to a cross-sector group at the World Bank,[84] and, as mentioned above, the World Bank Development Report *Voices of the Poor* includes a special section on widowhood. The Widows without Rights Conference (London, 6-7 February 2001) drew attention to extreme hardships facing widows in developing countries and in post-conflict situations. Through its declaration, delegates called on Governments and the international community to become aware of the special needs and rights of widows.

In order to achieve real advancements, however, widows need support in order to get organized. It is through their testimonies, the articulation of their experiences and hopes that they can properly influence the better implementation of international law at all levels in society, from the village to international courts and tribunals.

Widows without Rights Conference Declaration

London, 6-7 February 2001

We the participants at the First International Conference on Widows wish to draw the attention of Governments, the United Nations and its agencies, the media and civil society organizations to the huge increase in the number of widows worldwide due to armed conflict, ethnic cleansing and the HIV/AIDS pandemic. We also wish to highlight the multiple, but often hidden, human rights violations experienced by widows and child widows in many countries. These violations are embedded in social, political, economic, religious, cultural and traditional beliefs and practices.

As a result of these beliefs and harmful practices, widows and child widows are rendered invisible and subjected to numerous human rights violations, including:

- Violence in all its varied forms;
- Extreme poverty;
- Social and cultural exclusion and marginalizaton;
- Oppression and neglect;
- Treatment as objects, commodities or chattel;
- Denial of access to education, health and basic services;
- Multiple obstacles to accessing justice systems;
- Denial of autonomy and independence.

We strongly condemn:

- The continuing formulation, use and enforcement of laws and customs that perpetuate the violation of women's human rights, through legal, cultural and religious institutions;
- The mental, physical, emotional and sexual violation of widows;
- The absence of the right of widows to inheritance, property and landownership;
- The systematic victimization, exploitation or neglect of older widows;
- The neglect and abuse of children of widows and child widows.

We therefore recommend strongly that:

- Action be taken to end cruel, dehumanizing, repugnant and discriminatory practices, and that laws be strengthened to ensure the punishment of perpetrators;
- Customary, religious and modern laws reinforcing discriminatory practices be abolished;
- Legal reforms in inheritance and landownership rights be enacted and enforced;
- Independent research be undertaken into the extent of violations against widows, young and old;
- All aspects of government policy-making agendas mainstream widows' concerns;
- National, regional and international meetings be convened regularly to ensure that the collective voices of widows are heard;
- The right of widows to be included in all appropriate international instruments.

We ask Governments, the United Nations and its agencies, the media and civil society organizations to recognize the contribution that widows have made and will continue to make to the development of their societies, and demand urgent and immediate action be taken to end these violations.

This issue of **women** *was compiled by the United Nations Division for the Advancement of Women, with Margaret Owen, Consultant*

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